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Attorneys for Defendant Boston Scientific Corporation

UNITED STATES DISTRICT COURT
EASTERN DISTRICT

PAMELA COLEMAN, an individual,)	Case No. 1:10-CV-01968-OWW-SKO
Plaintiff,)	
vs.)	Mag. Judge: Hon. Sheila K. Oberto
)	Dept.: 3
BOSTON SCIENTIFIC)	STIPULATION AND JOINT
CORPORATION, a Massachusetts)	REQUEST TO CONTINUE
corporation, and DOE)	SCHEDULING CONFERENCE
MANUFACTURERS one through one)	AND ORDER
hundred,)	
Defendants.)	Complaint filed: 10/20/2010
)	Trial Date: None set

TO THE COURT AND ALL ATTORNEYS OF RECORD:

Plaintiff Pamela Coleman and Defendant Boston Scientific Corporation (“BSC”), by and through their counsel of record, stipulate to and jointly request a continuance of the scheduling conference based on the following:

1. Plaintiff filed the complaint in this action on October 20, 2010 and BSC was served with the complaint on or about December 29, 2010.
2. The Court set a scheduling conference for April 6, 2011. (Doc. No. 6.)

STIPULATION AND JOINT REQUEST TO CONTINUE
SCHEDULING CONFERENCE AND [PROPOSED] ORDER

3. BSC filed a motion to dismiss the complaint on February 16, 2011. (Doc. No. 9.) Pursuant to stipulation of the parties, the Court continued the scheduling conference from April 6, 2011 to April 20, 2011 in light of BSC's pending motion to dismiss. (Doc. No. 16.)

4. On April 11, 2011, the Court granted BSC's motion to dismiss with leave to amend. (*See* Doc. No. 29.)

5. On April 12, 2011, the Court issued a minute order setting a scheduling conference for July 22, 2011. (Doc. No. 26.)

6. Plaintiff filed a first amended complaint on June 17, 2011. (Doc. No. 31.) On July 7, 2011 BSC filed a motion to dismiss the first amended complaint and the motion was set to be heard on August 15, 2011. (Doc. No. 34.)

7. On July 11, 2011, the parties stipulated to continue the scheduling conference to August 26, 2011 to allow BSC's motion to dismiss to be heard prior to the scheduling conference and the submission of the joint scheduling conference statement. The Court issued an order granting the stipulation and setting the scheduling Conference for August 26, 2011. (*See* Doc. Nos. 37, 38.)

8. On August 2, 2011, the Court issued a minute order continuing the hearing on BSC's motion to dismiss from August 15, 2011 to August 22, 2011. On August 16, 2011, pursuant to stipulation of the parties, the court continued the scheduling conference from August 26, 2011 to October 20, 2011 in light of the new hearing date for BSC's motion to dismiss. (Doc. No. 46.)

9. On August 22, 2011, the Court granted BSC's motion to dismiss the first amended complaint with leave to amend. (Doc. No. 51.)

10. On September 21, 2011 the October 20 scheduling conference date was vacated due to the impending retirement of the Honorable Oliver W. Wanger. (*See* Doc. No. 52.)

1 11. On September 26, 2011, Plaintiff filed her second amended complaint.
2 (Doc. No. 53.)

3 12. On October 24, 2011, the Court reset the scheduling conference to
4 November 22, 2011 before Magistrate Judge Sheila K. Oberto.

5 13. On October 24, 2011, the parties received notice this case had been
6 assigned to the Honorable Lawrence J. O'Neill. (Doc. No. 57.)

7 14. On October 26, 2011, BSC filed a motion to dismiss the second amended
8 complaint. (Doc. No. 58.) The motion was set for hearing on December 1, 2011
9 before the Honorable Lawrence J. O'Neill.

10 15. On November 2, 2011, this Court, pursuant to the parties' stipulation,
11 continued the scheduling conference to December 20, 2011 pending a ruling BSC's
12 motion to dismiss. (Doc. No. 60.) The parties' joint scheduling report would be due
13 on December 13, 2011.

14 16. On November 28, 2011, the Honorable Lawrence J. O'Neill issued a
15 minute order vacating the December 1 hearing date and taking BSC's motion to
16 dismiss the second amended complaint under submission.

17 17. All parties have agreed and respectfully request that the scheduling
18 conference be continued to January 20, 2012, or to a date preferred by this Court, in
19 order for Defendants' Motion to Dismiss and Plaintiffs' Opposition thereto to be
20 considered and ruled upon by the Court. The parties also request that their joint
21 scheduling report be due January 13, 2012.

22 18. There is good cause to continue the scheduling conference and the
23 submission of the joint scheduling conference statement until after the Honorable
24 Lawrence J. O'Neill issues a ruling on BSC's motion to dismiss.

1 IT IS HEREBY STIPULATED, subject to the approval of the Court, that the
2 scheduling conference currently set for December 20, 2011, be continued to January
3 20, 2012, or a date more convenient for the Court, and the parties' joint scheduling
4 conference statement be due on January 13, 2012.
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6 Dated: December 6, 2011

Respectfully Submitted,
SHOOK, HARDY & BACON L.L.P.

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10 By: /s/ Natasha L. Mosley
Natasha L. Mosley
11 Attorneys for Defendant
Boston Scientific Corporation
12

13 Dated: December 6, 2011

GIARDI KEESE

15 By: /s/Amanda Kent
(authorized on December 6, 2011)
16 Thomas V. Girardi
17 Amy F. Solomon
18 Michael Kowsari
Amanda Kent
Attorneys for Plaintiff
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ORDER

The parties' stipulated request for a continuance of the December 20, 2011, scheduling conference is GRANTED IN PART. While the request for a continuance is granted, the Court cannot accommodate the date proposed by the parties.

Accordingly, the Scheduling Conference currently set for December 20, 2011, is CONTINUED to January 26, 2012, at 9:30 a.m. The Joint Scheduling Report is due on or before January 19, 2012.

IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: December 7, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE